

**REMARKS**

Reconsideration and allowance of this application are respectfully requested. Claims 1-24 remain in the application and, as amended herein, are submitted for the Examiner's reconsideration.

In the Office Action, claims 1-24 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 1, 8, 11, 12, 13, 20, 23, and 24 have each been amended to correct the informalities. Support for these changes is found, e.g., at the seventh to eleventh lines of ¶ [0272] of the specification. Applicant therefore submits that claims 1-24 are in full compliance with the requirements of 35 U.S.C. § 112, first paragraph.

Claims 1-24 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1, 8, 11, 12, 13, 20, 23, and 24 have each been amended to correct the informalities. Applicant therefore submits that claims 1-24 are in full compliance with the requirements of 35 U.S.C. § 112, second paragraph.

Turning now to the art rejections, claims 1, 8, 12, 13, 20, and 24 were rejected under 35 U.S.C. § 103(a) as being anticipated by Ueda (U.S. Patent No. 6,289,102) in view of Proudler (U.S. Patent No. 6,240,188). Applicant submits that the claims are patentably distinguishable over the relied on references.

As amended herein, claim 1 recites:

1. (currently amended) A data processing apparatus for receiving data from or delivering data to a storage device, the storage device being external to said data processing apparatus and including a memory, the data received from the external storage device being reproduced from the memory of the external storage device and the data delivered to the external storage device being recorded in the memory of the external storage device, the receiving or delivering ordinarily being carried out on condition

that mutual authentication between said data processing apparatus and the external storage device is successful, said data processing apparatus comprising:

a virtual storage device and a first structure each operable to alternatively execute mutual authentication between said first structure and said virtual storage device when the external storage device does not include any structure operable to execute the mutual authentication or is not operable to enable such mutual authentication or the memory of the external storage device is devoid of ciphering function, the mutual authentication thereby being carried out between said first structure and said virtual storage device instead of being carried out between said data processing apparatus and the external storage device; and

a second structure operable to receive the data from the external storage device or to deliver the data to the external storage device when the mutual authentication between said first structure and said virtual storage device is successful.

(Emphasis added.)

The Examiner contends, on pages 7-8 of the Office Action, that Ueda discloses a "virtual storage device and a first structure..." and relies on Figs. 14-16; column 23, lines 26-61; and column 37, lines 5-40 of Ueda. The relied on sections of Ueda, however, merely describe an information reproducing device having an AV decoder card and an optical disk drive and in which the AV decoder card and the optical disk drive carry out mutual authentication with each other. The relied on sections of the reference are not at all concerned with whether the information reproducing device carries out mutual authentication with a storage device external to the information reproducing device. Therefore, the relied on sections of Ueda do not teach that mutual authentication is alternatively carried out between an AV decoder card and an optical disk device instead of being carried out between the

information reproducing device and an external storage device.

Moreover, though the AV decoder card does carry out mutual authentication with a storage device that is external to the AV decoder card, i.e., with the optical disk drive, the relied on sections of Ueda neither disclose nor suggest that mutual authentication is alternatively carried out between a first structure of the AV decoder card and a virtual storage device of the AV decoder card instead of being carried out between the AV decoder card and the optical disk drive. Rather, such relied on sections of the reference describe that where the optical disk drive detects an error, the mutual authentication processing is cancelled. (See also col.38 ll.40-43.)

Hence, the relied on sections of Ueda do not by themselves disclose or suggest mutual authentication being carried out between a first structure (of a data processing apparatus) and a virtual storage device (of a data processing apparatus) instead of being carried out between a data processing apparatus and an external storage device (external to a data processing apparatus) as defined in claim 1.

The Examiner further contends, on page 8, that "Proudler also discloses a virtual storage device and a structure operable to alternatively execute mutual authentication between the structure and the virtual storage device in order to gain access to the apparatus" and concludes that "[i]t would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the trusted device mutual authentication processing of Proudler into the recording and reproducing system of Ueda... ." The relied on sections of Proudler, however, simply describe a trusted device of a trusted platform that performs mutual authentication with a smart card that has been inserted into a smart card reader of the trusted platform. Though the trusted device does carry out mutual authentication with a storage device that is

external to the trusted platform, namely, with the smart card, the relied on sections of the reference are not at all concerned with mutual authentication being carried out between a first structure of the trusted device and a virtual storage device of the trusted device instead of being carried out between the trusted device and the smart card.

The Examiner further asserts, on page 2, that "a smart card (such as in Proudler) or SD memory card can be seen as a virtual storage device." However, the relied on sections of Proudler do not teach that the smart card or SD memory carries out mutual authentication with the trusted device instead of mutual authentication being carried out between the trusted platform and an external storage device.

Additionally, by asserting that the smart card described in the relied on sections of Proudler can be considered to be the claimed virtual storage device, the Examiner apparently argues that the relied on sections of Proudler can be combined with the relied on sections of Ueda such that the mutual authentication described in the relied on sections of Proudler may be carried out instead of the mutual authentication described in the relied on sections of Ueda. However, the Examiner's assertion would require the incorporation of a smart card reader into the AV decoder card shown in Fig. 16 to permit mutual authentication to be carried out between the smart card and the drive authentication circuit of the AV decoder card instead of being carried out between the AV decoder card and the optical disk drive. The Examiner is respectfully reminded that, as M.P.E.P. § 2123 sets forth, "[a] reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art". (Emphasis added; citing *Merck & Co. v. Biocraft Laboratories*, 874 F.2d 804, 10 USPQ2d 1843 (Fed.Cir. 1989).) A person of ordinary skill in the relevant art, having before them the

relied on teachings of Ueda and Proudler, would not look to incorporate a card reader into another circuit card. Hence, the relied on sections of Ueda and Proudler would not reasonably suggest to one of ordinary skill in the relevant art to combine the teachings of such sections in the manner apparently asserted by the Examiner.

Also, the relied on sections of Ueda simply describe that when an error occurs during mutual authentication, the mutual authentication processing is cancelled. Such relied on sections are not at all concerned with carrying out alternative mutual processing in the event of an error. Similarly, the relied on sections of Proudler are not at all concerned with carrying out alternative mutual processing in the event that the disclosed mutual processing cannot be carried out. Therefore, a person of ordinary skill in the relevant art would not find any reason to incorporate mutual processing as set forth in the relied on sections of Proudler as an alternative to the mutual processing set forth in the relied on sections of Ueda.

It follows, for at least the above reasons, that neither the relied-on sections of Ueda, nor the relied-on sections of Proudler, whether taken alone or in combination, disclose or suggest the combination set out in claim 1, and therefore claim 1 is patentably distinct and unobvious over the relied on references.

Independent claims 8, 12, 13, 20, and 24 each include limitations similar to those set out in the above excerpt of claim 1. Therefore, each of these claims is patentably distinct and unobvious over the relied on sections of Ueda and Proudler for at least the same reasons.

Claims 2, 9, 14, and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ueda in view of Proudler further in view of Ansell (U.S. Patent No. 6,367,019). Applicant submits that the claims are patentably distinguishable

over the relied on references.

Claim 2 depends from claim 1, claim 9 depends from claim 8, claim 14 depends from claim 13, and claim 21 depends from claim 20. Therefore, each of these claims is distinguishable over the relied on sections of Ueda and Proudler for at least the same reasons as the claim from which it depends.

The relied on sections of Ansell do not cure the deficiencies of the relied on sections of Ueda and Proudler. The Examiner contends that Ansell "discloses initially checking whether the external storage device includes a structure operable to execute the mutual authentication" and refers to column 12, lines 30-41 of the reference. However, as pointed out in the January 8, 2008 Amendment, the relied on sections of Ansell merely describe a smart medium with cryptographic logic that performs encryption and decryption using an encryption algorithm and key. The relied on sections of Ansell neither disclose nor suggest that the cryptographic logic includes the capability of executing mutual authentication as set forth in claims 2, 9, 14, and 21.

Claims 3, 5-7, 10, 15, 17-19, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ueda in view of Proudler and further in view of Dondeti, and claims 4, 11, 16, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ueda in view of Proudler and Dondeti and further in view of Harada. Applicant submits that the claims are patentably distinguishable over the relied on references.

Claims 3-4 and 5-7 depend from claim 1, claim 10 depends from claim 8, claims 15-16 and 17-19 depend from claim 13, and claim 22 depends from claim 20. Therefore, each of these claims is distinguishable over the relied on sections of Ueda and Proudler at least for the same reasons as its parent claim.

Independent claims 11 and 23 each include limitations similar to those set out in the above excerpt of claim 1. Therefore, each of these claims is distinguishable over the relied on sections of Ueda and Proudler for at least the same reasons.

Neither the relied on sections of Dondeti nor the relied on sections of Harada remedy the deficiencies of the relied on sections of Ueda and Proudler.

Accordingly, Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §§ 103(a), 112, first paragraph, and 112, second paragraph.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

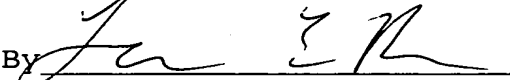
Application No.: 09/911,042

Docket No.: SONYJP 3.0-190

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: August 11, 2008

Respectfully submitted,

By 

Lawrence E. Russ

Registration No.: 35,342

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

905486\_1.DOC